



**Zoning**  
**CITY OF AUSTIN**  
**RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: Z-13**  
**AGENDA DATE: Thu 07/29/2004**  
**PAGE: 1 of 1**

**SUBJECT:** C14-04-0060 - Walgreens - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2409 South Lamar Boulevard and 0 Bluebonnet Lane (West Bouldin Creek Watershed) from family residence (SF-3) district zoning and general commercial services (CS) district zoning to neighborhood commercial (LR) district zoning for Tract 1 and limited office (LO) district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning for Tract 1 and limited office-conditional overlay (LO-CO) combining district zoning for Tract 2, with conditions. Applicant: Gene Charlesworth Payne. Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Haussmann). City Staff: Wendy Walsh, 974-7719.

**REQUESTING** Neighborhood Planning  
**DEPARTMENT:** and Zoning

**DIRECTOR'S**  
**AUTHORIZATION:** Greg Guernsey

**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-04-0060

**Z.P.C. DATE:** June 1, 2004  
June 15, 2004

**ADDRESS:** 2409 South Lamar Boulevard and 0 Bluebonnet Lane

**OWNER / APPLICANT:** Gene Charlesworth Payne    **AGENT:** Drenner Stuart Wolff Metcalfe  
von Kreisler, LLP  
(Michele Haussmann)

**ZONING FROM:** CS; SF-3                      **TO:** LR for Tract 1;    **AREA:** 2.180 acres  
LO for Tract 2

**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant neighborhood commercial – conditional overlay (LR-CO) combining district zoning for Tract 1 and limited office – conditional overlay (LO-CO) combining district zoning for Tract 2. The Conditional Overlay includes all recommendations listed in the Neighborhood Traffic Analysis memorandum, dated July 19, 2004, as provided in Attachment A.

**\*\*\*SUMMARY STAFF RECOMMENDATION (Amended 6-24-04)\*\*\*:**

The staff's recommendation is to grant neighborhood commercial (LR) district zoning for Tract 1 and limited office (LO) district zoning for Tract 2.

The Restrictive Covenant includes all recommendations listed in the Neighborhood Traffic Analysis memorandum, dated June 9, 2004, as provided in Attachment A.

**ZONING & PLATTING COMMISSION RECOMMENDATION:**

June 1, 2004: *POSTPONED TO 06/15/04 (APPLICANT)*  
*[J.M; J.D 2<sup>ND</sup>] (8-0) J.P – ABSENT*

June 15, 2004: *APPROVED STAFF'S RECOMMENDATION FOR LR-CO (TRACT 1); LO-CO (TRACT 2).*  
*[J.M; J.D 2<sup>ND</sup>] (8-0) K.J – LEFT EARLY*

*\*COMMISSION RECOMMENDS ROADWAY IMPROVEMENTS, BUT TO LEAVE THESE IMPROVEMENTS TO THE DISCRETION OF COUNCIL.*

**ISSUES:**

Staff has determined that the Neighborhood Traffic Analysis is best handled in the form of a public Restrictive Covenant, rather than a Conditional Overlay. The amended Staff Recommendation reflects this change.

The applicant is in agreement with the staff alternate recommendation. The applicant has met with the South Lamar Neighborhood Association and the President of the Austin Neighborhoods Council to discuss the proposed rezoning and redevelopment of the property.

**DEPARTMENT COMMENTS:**

The subject property is developed with a portion of a mobile home park and zoned commercial services (CS) and family residence (SF-3) districts. Access is taken from South Lamar Boulevard, an arterial, and Bluebonnet Lane, a collector street. The surrounding area may generally be characterized by retail and commercial service development along Lamar (CS), and single family residences in close proximity to the east (MF-2; SF-3). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The applicant proposes to create two zoning tracts as the first step in developing a freestanding general retail sales (convenience) use (more commonly known as a drugstore) with a drive-through pharmacy service. Tract 1, located closest to Lamar Boulevard, represents the building footprint and is proposed for neighborhood commercial (LR) district zoning. Tract 2, consists of the surrounding parking and driveways, and is proposed for limited office (LO) district zoning. The applicant's conceptual site plan, as illustrated in Exhibit B, provides for one driveway access to Lamar Boulevard and one to Bluebonnet.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS; SF-3	Mobile home park
<i>North</i>	CS; SF-3; LO	Automobile sales and repair; Restaurant; Auto washing
<i>South</i>	CS; LO-CO	Retail sales; Restaurant; Offices; Undeveloped; Parking area
<i>East</i>	SF-3; MF-2; SF-6	Mobile home park; Undeveloped; Single family residences
<i>West</i>	CS; SF-3; LO; LR-MU-CO; NO	Boot repair; Retail sales; Offices

**AREA STUDY:** N/A

**TIA:** A Neighborhood Traffic Analysis is provided as Attachment A

**WATERSHED:** West Bouldin Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

- 107 – Zilker Neighborhood Association
- 428 – Barton Springs / Edwards Aquifer Conservation District
- 498 – South Central Coalition
- 926 – South Lamar Neighborhood Association
- 511 – Austin Neighborhoods Council
- 943 – Save Our Springs Alliance

**SCHOOLS:**

- Galindo Elementary School
- Porter Middle School
- Travis High School



<p>1" = 400'</p>	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: W. WALSH</p>	<p><b>CASE #: C14-04-0060</b></p> <p>ADDRESS: 2409 S LAMAR BLVD &amp; 0          BLUEBONNET LANE          SUBJECT AREA (acres): 2.180</p>	<p><b>ZONING EXHIBIT A</b></p> <p>DATE: 04-05</p> <p>INTLS: SM</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>G20</p>
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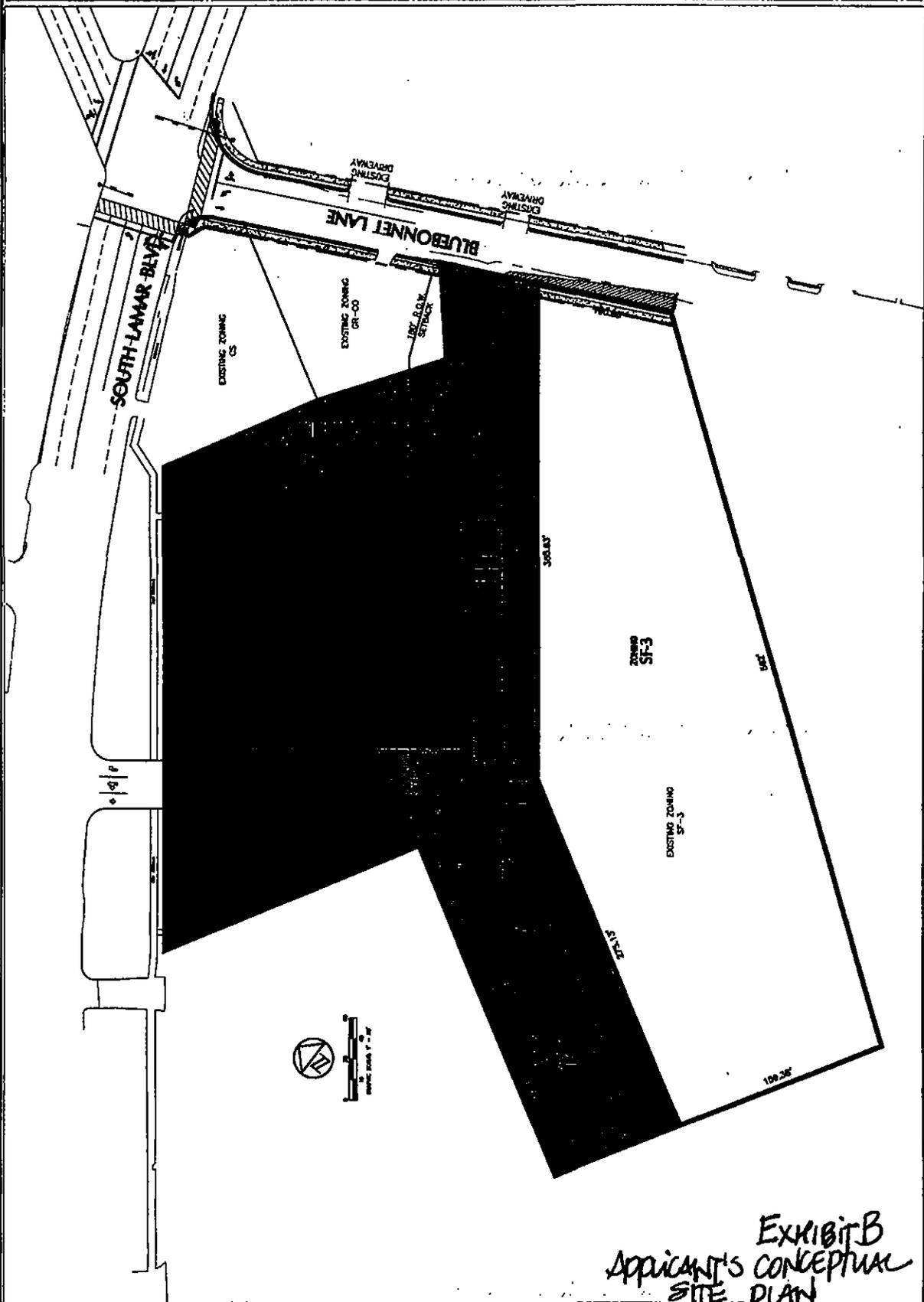


EXHIBIT B  
 APPLICANT'S CONCEPTUAL  
 SITE PLAN



## MEMORANDUM

**TO:** Wendy Walsh, Case Manager  
**CC:** Members of the City Council  
John Hickman, John F. Hickman and Associates  
Michele Haussmann, Drenner Stuart Wolff Metcalfe von Kreisler, LLP  
**FROM:** Emily Barron, Transportation Planner  
**DATE:** July 19, 2004  
**SUBJECT:** Neighborhood Traffic Analysis for Bluebonnet Lane  
Zoning Case # C14-04-0060 Walgreen's

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The transportation section has performed a Neighborhood Traffic Impact Analysis for the above referenced case and offers the following comments.

The 2.18-acre tract is located in south Austin at the intersection of South Lamar Boulevard and Bluebonnet Lane. The site is currently zoned Single Family Residence (SF-3) and the existing use is a mobile home park. The site is surrounded by predominantly commercial uses to the west, single family to the north and multi family and limited office to the south and east. The zoning request is for Neighborhood Commercial (LR) and Limited Office (LO). In order to get a more accurate analysis of the impact of the site on Bluebonnet, the neighborhood traffic analysis incorporates the entire site that will consist of the pharmacy with drive-thru, high turn over restaurant and 20 mobile home dwelling units.

### Roadways

The tract proposes access to Lamar Boulevard and Bluebonnet Lane.

Lamar Boulevard is classified as a four lane divided major arterial and would provide the main access to the site. The roadway currently has 120 feet of right-of-way and 60 feet of pavement. Lamar Boulevard is in the bicycle plan as a Priority 2 route from Bluebonnet Lane to Manchaca Road.

Bluebonnet Lane abuts the northeastern portion of the site and is proposed as the main access point for service vehicles. Bluebonnet Lane is classified as a residential collector street with variable right-of-way and 20 feet of pavement. Bluebonnet Lane is classified as a Priority 1 route in the Bicycle Plan. Under Section 25-6-114 of the Land Development Code, the portion of Bluebonnet Lane from Lamar Boulevard to Del Curto Road is classified as a residential collector street because at least 50 percent of its frontage is zoned for SF-5 or more restrictive uses.

## Trip Generation and Traffic Analysis

Based on the Institute of Transportation Engineer's publication Trip Generation, the proposed 14,560 square foot pharmacy with drive through development will generate 1,284 vehicle trips per day. A 49% pass-by trip reduction has been assumed for this use. Therefore, the adjusted trip generation is 655 vehicles per day. There will also be an addition of 350sf to the existing high turn over restaurant for a total of 4,000sf. The total trip generation for this use is 521 vehicles per day however only 46 of those trips will be new to the roadway network. The remaining 475 vehicles per day is included in the existing traffic shown in Table 3. A 43% pass-by trip reduction was assumed for the high turn over restaurant in accordance with the ITE Publication. This information is provided in Table 1.

Land Use	Size	Unadjusted Trip Generation	Pass-by reduction %	Adjusted Trip Generation
Pharmacy with drive-through	14,550sf	1,283	49%	655
High Turnover Restaurant	350sf expansion	46	43%	26
<b>TOTAL</b>		<b>1,330</b>		<b>681</b>

Table 2 represents the expected distribution of the 681 trips:

Street	Traffic Distribution by Percent
Lamar Boulevard	70%
Bluebonnet Lane	30%
<b>TOTAL</b>	<b>100%</b>

Table 3 represents a breakdown of existing traffic on Lamar Boulevard and Bluebonnet Lane, proposed site traffic, total traffic after development and percentage increase in traffic on Lamar Boulevard and Bluebonnet Lane. It should be noted that in order to account for the new driveway proposed onto Bluebonnet a portion of the existing traffic generated by the High Turn Over Restaurant is assumed to now access Bluebonnet Lane. In addition to the site traffic 20 existing mobile homes, located to the east of this site, will have access to Bluebonnet through this site. A portion of this existing traffic generated by the mobile home park is assumed to also take access to Bluebonnet. In order to provide a more conservative analysis no traffic was assumed to be removed from Lamar.

Street	Existing Traffic (vpd)	Proposed New Site Traffic to each Roadway	Overall Traffic	Percentage Increase in Traffic
Lamar Boulevard	39,534	474	40,008	1%
Bluebonnet Lane (east)	1,921	397	2,318	17%

Of the site traffic to Bluebonnet it is assumed that approximately 357vpd will turn left to access Lamar and 40vpd will turn right to access Del Curto. This will increase the traffic from the site driveway west to Lamar Boulevard approximately 15% and 2% from the site driveway east to Del Curto.

According to Section 25-6-116 of the Land Development Code, streets which are less than 30 feet in width are considered to be operating at an undesirable traffic level if the average daily traffic volume for such roadways exceeds 1,200 vehicles per day. Currently, Bluebonnet Lane operates at an undesirable level. By widening Bluebonnet Lane as proposed in Recommendation 2 the desirable operating level for Bluebonnet from the site driveway to Lamar Boulevard will increase to 4,000vpd and would operate at acceptable levels for this portion of the roadway.

**Recommendations/Conclusions**

1. In order to mitigate the site impact on the surrounding roadway the applicant has proposed the following improvements to Bluebonnet Lane. The fiscal for these improvements is required to be posted prior to 3<sup>rd</sup> Reading of the zoning ordinance at City Council.

Intersection	Improvement	Cost	Pro Rata Share
Bluebonnet Lane and Lamar Boulevard	Signal modifications including design and construction (above and below ground)	\$55,000	4% / \$2,200

2. Traffic on Bluebonnet Lane will increase by 17% with the addition of this proposed site and existing traffic, which will now have access to Bluebonnet. The majority of this traffic will travel west to Lamar Boulevard. In addition to the signal modifications listed above fiscal is required to be posted for the following improvements prior to 3<sup>rd</sup> Reading of the zoning case:

Intersection/Street	Improvement
Bluebonnet Lane (east)*	Installation of sidewalks along both sides of Bluebonnet Lane for the length of the upgrade on Bluebonnet Lane
	Increase the pavement width from 20' to 40' from Lamar Boulevard to the site driveway; the street will then be transitioned east from the site driveway to the existing pavement width.
Bluebonnet Lane (west)*	Restriping Bluebonnet west of Lamar to match the eastbound striping with the new westbound striping pattern (an exclusive left-turn lane and a shared through/right-turn lane).
Bluebonnet Lane (east) @ Lamar Boulevard*	Provide for 1 EB lane, 1 WB left turn lane and 1 WB shared through/right turn lane
Lamar Boulevard	Remove on street parking to improve sight distance and overall safety along Lamar Boulevard.

\* See attached schematic of proposed improvements

The fiscal requirement for these improvements will not exceed 17% of the total cost. This percentage is the amount of site traffic that is assumed to access Bluebonnet Lane as shown in Table 3.

3. City Council may approve this site if the Council determines that the applicant has satisfactorily mitigated adverse traffic effects, or that the additional traffic from a project has an insignificant effect on the residential street.

4. In order to minimize traffic on surrounding streets, the intensity and uses for this rezoning should be limited through a conditional overlay to less than 1,283 unadjusted vehicle trips per day. The proposed development plan for the tract requesting rezoning does not exceed 1,283 vehicle trips. Development of this property should also be limited to uses and intensities, which will not exceed or vary from the projected traffic conditions assumed in this neighborhood traffic analysis, traffic distribution, roadway conditions, and other traffic related characteristics.

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If you have any questions or require additional information, please contact me 974-2788.



Emily M. Barron  
Planner - Transportation Review  
Watershed Protection and Development Review Department



**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant neighborhood commercial – conditional overlay (LR-CO) combining district zoning for Tract 1 and limited office – conditional overlay (LO-CO) combining district zoning for Tract 2. The Conditional Overlay includes all recommendations listed in the Neighborhood Traffic Analysis memorandum, dated July 19, 2004, as provided in Attachment A.

**BACKGROUND**

The subject property is developed with a portion of a mobile home park and zoned commercial services (CS) and family residence (SF-3) districts. Access is taken from South Lamar Boulevard, an arterial, and Bluebonnet Lane, a collector street. The surrounding area may generally be characterized by retail and commercial service development along Lamar (CS), and single family residences in close proximity to the east (MF-2; SF-3).

The applicant proposes to create two zoning tracts as the first step in developing a freestanding general retail sales (convenience) use (more commonly known as a drugstore) with a drive-through pharmacy service. Tract 1, located closest to Lamar Boulevard, represents the building footprint and is proposed for neighborhood commercial (LR) district zoning. Tract 2, consists of the surrounding parking and driveways, and is proposed for limited office (LO) district zoning. The applicant's conceptual site plan, as illustrated in Exhibit B, provides for one driveway access to Lamar Boulevard and one to Bluebonnet.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)***1. Zoning changes should promote an orderly and compatible relationship among land uses.*

The staff recommendation provides for a transition of zoning districts starting with intensive CS zoning on South Lamar Boulevard, moving inward to the recommended LR for Tract 1 and LO zoning, and then to MF-2 zoning that has frontage on Del Curto Road. The recommended LR and LO zonings provide a better transition than does the existing SF-3 zoning, and would assist with promoting an orderly relationship among land uses as they develop in the immediate area.

*2. Zoning should promote the policy of locating more intensive zoning districts at the intersection of major roadways.*

The subject tract is approximately 150 feet of the intersection of South Lamar Boulevard and Bluebonnet Lane, and rezoning to a district more intensive than the existing SF-3 is a reasonable request.

*3. The proposed zoning should be consistent with the purpose statement of the district sought.*

The purpose statement per the City of Austin Land Development Code states: "Neighborhood commercial district is the designation for a commercial use that provides business service and office facilities for the residents of a neighborhood. Site development regulations and performance standards applicable to a LR district use are designed to ensure that the use is compatible and complementary in scale and appearance with the residential environment."

The site borders on two established neighborhoods, the Zilker Neighborhood to the north and the South Lamar Neighborhood Association to the south. The site would primarily serve these

neighborhoods while also serving the community by capturing "pass by" traffic from South Lamar as that arterial roadway is heavily used during the AM and PM peak traffic hours.

FOR TRACT 1: The LR, Neighborhood Commercial District is intended for shopping facilities that provide limited business services and offices to the residents of the neighborhood, such as consumer repair services, food sales, service stations, and pet services.

FOR TRACT 2: LO zoning is intended for office use predominantly serving the neighborhood or community needs, such as professional, semi-professional and medical offices, which may be located within or adjacent to residential neighborhoods.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The site is developed with a portion of a mobile home park and slopes to the south.

### **Impervious Cover**

The maximum impervious cover allowed by the LR zoning district would be 80%, and the LO zoning district is 70%.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the West Bouldin Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

### **Transportation**

A Neighborhood Traffic Analysis is required and will be performed for this project by the Transportation Review staff. Results will be provided in a separate memo. LDC, Sec. 25-6-114. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on results of the NTA.

The trip generation under the requested zoning is estimated to be 3,658 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

**TPSD Right-of-Way**

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed rezoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

**Water and Wastewater**

The landowner intends to serve the site with City water and wastewater utilities. Water and wastewater utility improvements and system upgrades are required. The landowner will be responsible for all costs and providing.

The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The water and wastewater utility system serving this site must be in accordance with the City's utility design criteria and specifications.

**Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

**Compatibility Standards**

Site plans will be required for any new development other than single-family or duplex residential. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

The site is subject to compatibility standards. Along the south and east property line, the following standards apply:

- No structure may be built within 25 feet of the SF- zoned property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.

- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.



City of Austin, Neighborhood Planning & Zoning Department  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

## NOTICE OF ZONING & PLATTING COMMISSION PUBLIC HEARING FOR A PROPOSED ZONING CHANGE

Este aviso es para informarles de una junta pública tocante a un cambio en el uso de la propiedad indicada así abajo. Si quiere una copia de este aviso en español, hable al teléfono (512) 974-2680.

Mailing Date of this Notice: May 21, 2004

File Number: C14-04-0060

ADDRESS AND/OR LEGAL DESCRIPTION OF PROPOSED ZONING CHANGE (See Map) 2409 South Lamar & 0 Bluebonnet Lane

**PROPOSED ZONING CHANGE:**

**FROM:** CS—General Commercial Services district is intended predominately for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. SF-3—Family Residence district is intended as an area for moderate density single-family residential use, with a minimum lot size of 5,750 square feet. Duplex use is permitted under development standards which maintain single-family neighborhood characteristics. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements.

**TO:** FOR TRACT 1: LR—Neighborhood Commercial district is intended for neighborhood shopping facilities which provide limited business service and office facilities predominately for the convenience of residents of the neighborhood. FOR TRACT 2: LO—Limited Office district is intended for offices predominately serving neighborhood or community needs, which may be located within or adjacent to residential neighborhoods.

**OWNER:** Village Trailer Park, Inc. (Gene Charlesworth Payne)

**PHONE:** (512) 339-9325

**AGENT:** Drenner Stuart Wolff Metcalfe von Kreisler (Michele Haussmann)

**PHONE:** (512) 404-2233

**ZONING & PLATTING COMMISSION HEARING DATE:** June 1, 2004

**TIME:** 6:00 PM

**LOCATION:** 505 Barton Springs Road, One Texas Center 3<sup>rd</sup> Floor, Training Room #325, Austin

If you have any questions concerning this notice, please contact Wendy Walsh at the City of Austin, Neighborhood Planning & Zoning Department, (512) 974-7719. Office hours are 7:45 a.m. to 4:45 p.m. Please be sure to refer to the File Number at the top of the page when you call. See enclosed sheet for more information on public hearings.

You may send your written comments to the Zoning & Platting Commission Assistant, Neighborhood Planning & Zoning Department, P. O. Box 1088, Austin, TX 78767-8835.

File # C14-04-0060-WW

Zoning & Platting Commission Hearing Date: June 1, 2004

Name (please print) Camille M. Perry

I am in favor  
(Estoy de acuerdo)

Address 2211 Ira Lane, Austin Tx 78704

I object  
(No estoy de acuerdo)

I object due to the driveway from this area onto Bluebonnet in the Walgreen's plan for the same reasons I stated in the past.

## Zilker Neighborhood Association

◆ P.O. Box 33546 ◆ Austin, TX 78764 ◆ 512-447-7681 ◆

May 27, 2004

To: Zoning and Platting Commission

From: Zilker Neighborhood Association Executive Committee

Re: Zoning case C14-04-0060, 2409 South Lamar Blvd. (Village Trailer Park)

The executive committee of the Zilker Neighborhood Association opposes the latest proposal to rezone Village Trailer Park, 2409 S. Lamar, to accommodate a Walgreens drugstore. Our objections are essentially the same as our objections to the previous proposal in 2003.

South Lamar still has too much vacant or underused commercial property, and this change would only make matters worse, by converting a substantial residential parcel with potential for much higher densities to a low-value category of retail and office zoning. The latest proposal is actually worse in this respect than last year's plan. The footprint zoning will restrict any future owners to a cookie-cutter structure tailored to the current requirements of a single suburban chain retailer. Numerous businesses that would be more appropriate to the site would have to secure another zoning change before they could build a structure more in keeping with the improved design standards being considered by council. The latest proposal also creates a long narrow parcel of SF-3 zoning that will be awkward to develop beyond its current use as a mobile home park.

Likewise, the new Walgreens site plan does not address fundamental problems. It is still a standard suburban box surrounded by pavement. It still includes about 150 surface parking spaces, plus a highly undesirable 24-hour drive-through lane. There is only a tenuous connection to sidewalks and the bus stop on Lamar; and there appears to be no pedestrian connection at all to the neighborhood immediately behind the property. Bluebonnet Lane, even if widened to 40 feet, cannot function as the arterial required for this type of use, and widening half a block of Bluebonnet does not solve the problem of the misaligned intersection at South Lamar, yet the plan still includes a major driveway on Bluebonnet. Zilker residents are particularly concerned about increasing left turn traffic at this dangerous intersection, the potential to encourage cut-through traffic on Bluebonnet north of South Lamar, in conflict with our traffic calming measures near Zilker Elementary, and the absence of a safe pedestrian crossing at the South Lamar-Bluebonnet intersection.

The area is under pressure to increase residential densities, and this change would eliminate the parcel's potential for significant residential development. Limiting this property to suburban-style retail or office uses seems unwise at a time when the city is searching for SF-4 or more intense infill and mixed-use options. In the absence of comprehensive planning on South Lamar, we urge you to deny the requested zoning change.



Lorraine Atherton (for the ZNA Zoning Committee)



City of Austin, Neighborhood Planning & Zoning Department  
 505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

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**OWNER:** Village Trailer Park, Inc. (Gene Charlesworth Payne) **PHONE:** (512) 339-9325

**AGENT:** Drenner Stuart Wolff Metcalfe von Kreisler (Michele Haussmann) **PHONE:** (512) 404-2233

**ZONING & PLATTING COMMISSION HEARING DATE:** June 1, 2004 **TIME:** 6:00 PM

**LOCATION:** 505 Barton Springs Road, One Texas Center 3<sup>rd</sup> Floor, Training Room #325, Austin

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File # C14-04-0060-WW **Zoning & Platting Commission Hearing Date:** June 1, 2004

Name (please print) Lorraine Atherton

Address 2009 Arpdale 78704

- I am in favor  
(Estoy de acuerdo)
- I object  
(No estoy de acuerdo)

## MEMORANDUM

**TO:** Betty Baker, Chair and Members of the Zoning and Platting Commission

**FROM:** Dora Anguiano, Zoning and Platting Commission Coordinator  
Neighborhood Planning and Zoning Department

**DATE:** July 19, 2004

**SUBJECT:** Zoning and Platting Commission Summary

Attached is a Zoning and Platting Commission summary, which will be forwarded to the City Council.

**CASE # C14-04-0060**

5. C14-04-0060 – WALGREENS, By: Village Trailer Park, Inc. (Gene Charlesworth Payne), Drenner Stuart Wolff Metcalfe von Kreisler, LLP. (Michele Hausmann), 2409 South Lamar Blvd. & 0 Bluebonnet Lane. (West Bouldin Creek). **FROM CS; SF-3 TO LR (FOR TRACT 1) & SF-3 TO LO (FOR TRACT 2). ALTERNATE RECOMMENDATION: LR-CO (TRACT 1); LO-CO (TRACT 2). City Staff: Wendy Walsh, 974-7719. POSTPONED FROM 6-1 (APPLICANT).**

### SUMMARY

Wendy Walsh, staff – “The acreage is 2.18 acres, it is presently developed with a portion of a mobile home park and is zoned CS, which is commercial services and SF-3, which is single family residence. Access to the property is presently taken to South Lamar. The surrounding area consists of retail and commercial service uses on Lamar and there is also single-family in close proximity to the east. The applicant is proposing two different zoning tracts for the purpose developing a free-standing general retail sales use known as a drug store with a drive-thru pharmacy service. One access to Lamar is proposed, that would be an upgrading of the existing access; there’s a second access that is proposed to Bluebonnet. In the back-up, Tract 1 represents the building footprint that is proposed for LR. Tract 2 is proposed for limited office, that would be one of the driveways and where the parking is located. Staff is supporting the applicant’s request for zoning on the bases that it provides a transition of zoning districts starting with CS, which is along Lamar and then moving east, LR for this property and LO; then back to the existing SF-3 and MF-2 on Bluebonnet and Del Curto. Another reason is that this tract is approximately 150 feet from the intersection of South Lamar and Bluebonnet and rezoning to more than SF-3 is a reasonable request. This site borders on two established neighborhoods, Zilker to the north and the South Lamar Neighborhood Association to the south. The pharmacy use and drug store would serve these two neighborhoods and also the pass-by traffic on South Lamar Blvd. Our recommendation is LR-CO for Tract 1 and LO-CO for Tract 2; the conditional overlay spells out the recommendations that are contained in the neighborhood traffic analysis. Transportation staff is here to address issues relating to the neighborhood traffic analysis. The applicant has met with the South Lamar neighborhood association, as well as the president of the Austin Neighborhood Council. On the dais, I have placed a letter of opposition from the representative of the Zilker Neighborhood Association”.

Commissioner Baker – “The letter in opposition is that from just one individual?”

Ms. Walsh – “Yes”.

Commissioner Baker – “From the Zilker Zoning Committee?”

Ms. Walsh – “She’s a representative of the zoning committee of Zilker”.

Commissioner Baker – “Thank you; commissioners any questions?”

No questions.

Steve Drenner, applicant – Showed a power point presentation. “This is the site looking across Lamar to the west and from the opposition direction looking back to the east. This reflects the existing Walgreen’s, it’s about ½ a mile away to the south that would be closed in order to build the new Walgreen’s at this location. This is a case that is familiar to you; you’ve seen a version of it almost 1 year ago. In that case the zoning districts were configured differently; instead of being in this location, it was pushed over into this area. One of the impacts of that was the loss of this building from a local retailer’s standpoint, which is no longer the case. We have an underground detention pond and a water quality pond on this side; then as part of the development, Maria’s Taco Express that is presently located in this location, would have a new home on the southern border of the tract. Access would come from both Lamar and Bluebonnet. In addressing the issues with the South Lamar Neighborhood Association, I thought I’d run you through the issues that we’ve attempted to address. One was the intrusion of the commercial zoning into the neighborhood that was raised in the prior case. This reflects zoning as it presently is on the site; we have a CS triangle and beyond it is SF-3. The proposal would be to down zone this triangular portion of the CS to LR where footprint zoning the Walgreen Store and surrounding that with LO zoning. The traffic is an issue that the neighborhood has been concerned about in regard to the Bluebonnet access point. What we’ve tried to do is focus on what we could do to mitigate any traffic impacts to the South Lamar neighborhood located to the east of the site and we focused our efforts on upgrading Bluebonnet”. [Referring to the power point] Mr. Drenner continued with the presentation. “In negotiating with the other surrounding property owners, they have agreed to provide additional dedication of right-of-way; as before, we would be dedicating showing in blue on the power point. This allows us to expand not only the right-of-way, but the pavement width, provide 3 full lanes of traffic at 12-feet each, a through lane coming back to the east, a dedicated left turn lane that improves the ability to depart the neighborhood and a right lane that is a through lane and a right turn lane. With that expanded right-of-way, we are also able to provide sidewalks on both sides of the street. We would be restriping the western side of the intersection, so that you could have left turns that run in unison that would improve the operation of that intersection. We have done a variety of things in dealing with the Bluebonnet access”.

**FAVOR**

Maria Corbalan – Owner of Taco Express, spoke in favor.

Alison Barnwell – Spoke in favor.

Steve Lucas – Spoke in favor.

Michael Doerr – Spoke in favor.

Judy Kegg – In favor.

Fernando Ezeta – Spoke in favor.

Mark Peaks – Spoke in favor.

Mike Crues – Spoke in favor.

Delfin Salazar – Spoke in favor.

### **OPPOSITION**

Kevin Lewis – Spoke in opposition.

Lorraine Atherton – Spoke in opposition.

Carol Gibbs – Spoke in opposition.

Commissioner Martinez – “What would you accept for Bluebonnet and how should that be developed?”

Ms. Gibbs – “Right now there is even more land for sale; and we recognize that it’s MF-2 and [end of tape]... given that it’s MF-2, we’re prepared to have to live with that; and we’re prepared to recognize...I’m speaking for myself, it’s recognized that SF-3 that’s going to be sandwiched between the MF-2 and this, is probably going to go MF-2 and hard for us to argue to keep SF-3 between commercial and MF-2. We would like to see more integrated plan; like stuff that Council is looking at right now with the mixed use stuff. I understand that Walgreen’s has their parameters in which they want Mr. Doerr to operate. If we can put Walgreen’s on the back corner of a bigger development and have Maria’s at the other corner of it and apartments and office space, I think we would be happy. Because we know all that traffic is going to come in eventually, we would just like to see some kind of method to the madness”.

Bryan King – Spoke in opposition.

### **REBUTAL**

Mr. Drenner – “After listening to all the comments, you would appreciate the difficulty of our task. On one hand some are saying they are worried about traffic; on the other hand others are saying “let’s increase the density” and bring more traffic to the area. It has been a difficult task. With regard to pedestrian access, Bluebonnet is far from a safe pedestrian street to walk; there are no sidewalks on either side of the street. We will not only be creating a safer situation with the alignment at this location, but creating sidewalks on both sides of the street where none presently exist. We would also be enhancing that safety, going from lanes that 9-feet in width presently to 12-foot lanes. I really don’t think that we are in any way harming pedestrian safety; in fact we are enhancing it. I think the same is true in traffic safety; they speak of a funnel, the only funnel would be between this access point and South Lamar. We’ve widened the turning radius; we’ve fixed the alignment of the street. We’ve added to capacity to a street that is badly in need of it, at least to the point where we are dealing with our access point. In

summary, I think that this is an appropriate use for the site. I think it's the logical thing that will happen along Lamar".

Commissioner Hammond – "How will these changes to Bluebonnet...what will your proposal do to make that safer for the kids and also how much will the City be funding for these road improvements on Bluebonnet and sidewalk improvements?"

Mr. Drenner – "Presently, we have 18-feet of pavement and there are no sidewalks. I question the pedestrian safety today; you have a signal on Lamar and crosswalks on both sides; and those will remain. All the improvements that we've talked about to Bluebonnet the sidewalks, all of that will be funded 100% by my client. Instead of paying a percentage of that into a fiscal pot and hoping and waiting for someone to pay into that pot so that improvements can be done, my client will be funding 100% at the front end of the project".

Commissioner Hammond – "Is 100% a usual procedure..."

Mr. Drenner – "No, that's very unusual; the norm is to pay your share of the fiscal and those improvements wait until literally 100% of the dollars have been collected".

Commissioner Whaley – "There was some other additional things that were talked about such as lighting; have you had any thoughts on those requests by the residents?"

Mr. Drenner – "We already offered the lighting request. We looked at the lighting standard that's in place with Walgreen's and we have agreed to that lighting standard; both in intensity and shielding those lights".

Commissioner Baker – "Your improvements on Bluebonnet only cover the west side of Bluebonnet?"

Mr. Drenner – "They cover the east side of Bluebonnet. The only thing that will happen on the west side is the re-stripping of lanes. Most of the improvements are on the east side".

Commissioner Whaley – "Has this been discussed with the legal department?"

Mr. Drenner – "The improvements that we would make on the east side, those do abut our property and the property owner on both sides that's dedicating additional right-of-way, is in agreement with anything that we're doing".

Commissioner Whaley – "I guess I need a legal clarification from City Legal; and I don't see anyone from legal here".

Mr. Drenner – "We did meet with the City's engineer and we went through these improvements in detail; and they felt that it was not an issue".

Commissioner Hammond – “Redevelopment on this site does have an impact on the people who live there; my question is, do you know if the property owner has any plans to...how are they going to deal with the relocation of these folks?”

Mr. Drenner – “I would be happy to let the property owner representative speak for themselves. There will be some people who are presently in that trailer park who would lose the land. There will still be a portion of that trailer park; my understanding is that those folks have been told for over 1-year that something was coming. I believe they are on month to month leases and that those leases have not been increased during that period of time while they have been told that there was a possibility that there would be something that would displace them. I’ll be happy to go back and have our folks be a part of that discussion to make sure that we do as good a job as we can in helping those folks find another place”.

Commissioner Baker – “I would add to that the owners of this property have provided Affordable Housing for over 50-years in this area”.

Commissioner Hammond – “I’m surprised Steve Sadowsky is not here trying to get this zoned historical. [Laughter] I might try initiating a case to zone it historic”. [Laughter]

Commissioner Baker – “I just know that for over 50-years, this trailer park has been there and has done a tremendous donation on the part of those property owners”.

Commissioner Whaley – “Can we really zone a mobile home historic?”

Commissioner Baker – “Okay, we are out of order. I do have a problem and that is the improvements of the intersection with Lamar and Bluebonnet that does not abut this tract”.

Greg Guernsey – “There was a case that was settled by the Texas Supreme Court earlier this year; it was a subdivision case, but it raises the issue of improvements that go beyond the proportional share that was pertaining to the development in question. Our current legal staff and staff from Watershed Protection and Neighborhood Planning & Zoning, there’s caution if there’s an offer, such as it was done in this particular case; where a developer agreed to put in a street, he did everything that the city asked for and then came back and turned in and sued the city to be reimbursed for all the cost above and beyond their proportional share. In the end as it went through different appeals courts, eventually to the Supreme Court level. They let the lower court appeals decision stand and that cost went back to the developer. So even though it was offered and improved, the city had to pay the developer back”. “There may be other ways to address this that may not necessarily be agreements with the city; this has been raised and I will be happy to share this and make copies for the commission”.

Commissioner Baker – “Thank you. Is there a motion to close the public hearing?”

Commissioner Martinez and Gohil moved to close the public hearing.

Commissioner Whaley – “In the list that you stated about the additional landscaping and additional lighting, is that in this proposal?”

Mr. King – “I believe Mr. Drenner’s slide accurately reflects the things that they have agreed to; the things that were proposed by the neighborhood and not on that list, I think there was two notable ones; those would include the height limiting device for the Bluebonnet access and the inclusion of bike lanes within the additional width. We talked about a couple of lane configuration, but the last version that I understood was simply three 12-foot lanes for traffic with sidewalks, but no provisions for bikes; we would like to see that”.

Commissioner Whaley – “Thank you. I know we’re talking about the dirt; but if this were GR-MU-CO zoning and there was a mixed use building there and it was a 3-story building; you really couldn’t get that in LR zoning. If that’s something that you are more to support.”

Mr. King – “One plan would only take residential access to Bluebonnet and the commercial would go onto Lamar; second, there are a lot of different kinds of retail and office use; some have a higher average price point, so you could generate just a much retail value and retail value with much fewer trips per day. A drug store has to do a lot of transactions to up their volume, generating in a lot of traffic”.

Commissioner Martinez – “So you actually want higher density there?”

Mr. King – “Yes, there are diversity in opinions in the neighborhood. Many of us are in favor of higher density, but again you could do that higher density with residential onto Bluebonnet”.

Commissioner Martinez – “You want higher density on the corner?”

Mr. King – “Yes absolutely; not interior to the neighborhood, but on the corner”.

Commissioner Hammond – “Steve, the neighbors have raised this issue about the headache bar on that exit onto Bluebonnet; as well as concerns about the traffic coming in and out of Bluebonnet. What I’m hearing is more commercial truck traffic; is there anything you could do to address those concerns?”

Mr. Drenner – “We talked about that at length; I frankly think that to eliminate truck traffic on Bluebonnet would be to put everyone into an unsafe situation because if you have all the trucks exiting onto Lamar, in an unsignalized location, fairly close to the intersection and you have those that are turning left to go southbound at that unsignalized intersection; trucks being what they are not being quick turners, I think that is the most unsafe thing that we could do for the folks that are traveling that artery. As a part of this process I learned a lot about how Walgreen’s functions; I was surprised to find out that they literally have 1 delivery on average per week; then they have 3 other deliveries by

trucks for things like milk. So we're not talking about a great deal of trucks that would be accessing on Bluebonnet. I think there's no chance that those trucks are going to come out the Bluebonnet access point, take a right and go back into that neighborhood. There would be no reason for them to do that".

Commissioner Whaley – "How about those bike lanes?"

Mr. Drenner – "Honestly, that was the first time we heard about bike lanes, that I can recall. Without compromising the vehicular traffic or the pedestrian traffic, there just isn't any room for it".

Commissioner Baker – "Did you find something different about the road improvements?"

Mr. Guernsey – "We were discussing a similar predicament that came up in a case about 1-year ago where we had a road that was accessible to a project that was proposed for multi-family; and the applicant agreed to upgrade the road beyond the street adjacent to his property, improve a bridge, but there was no mechanism for the city to receive that proposal because it went far beyond their project. In this case, they can either do the improvements up front, but then the right-of-way would not be dedicated by the adjacent property owners without assurance that the project would go forward. The other part is that if you were to continue go through and recommend the case, it sounds like although the city could only require its proportional share, then access could be denied to Bluebonnet because the roadway isn't improved unless they came back and made the improvements. So there's a dilemma because I don't have a quick and easy answer for you without discussing this more with legal staff. The commission I think could render a favorable recommendation, allow the access to Bluebonnet and let us work on this between now and the City Council date and see if we could find a way to remedy that. That's about the only suggestion I have at this point".

Commissioner Baker – "Thank you; commissioners what is your pleasure?"

Commissioner Martinez – "I make a motion that we go with staff recommendation".

Commissioner Donisi – "And the staff recommendation would encompass the proposal that we saw tonight, with the footprint and all that."

Commissioner Martinez – "Yes".

Commissioner Donisi – "Okay, I'll second that".

Commissioner Baker – "Does everyone understand the motion? Would you like to speak to your motion?"

Commissioner Martinez – "This is one heck of a situation".

Commissioner Baker – “I’m sorry, before you speak, may I suggest that as to the agreement or commitment by the applicant for a roadway improvements, that they be recommended but that it be left to the discretion of the Council; and not part of our action?”

Commissioner Martinez – “Absolutely”.

Commissioner Donisi – “Certainly”.

Commissioner Martinez – “I’m going to assume that this neighborhood has not been engaged in a Comprehensive Neighborhood Planning Process?”

[Inaudible – “In November or December, we are suppose to be scheduled for one.”]

Commissioner Martinez – “This is one major corridor in Austin that definitely needs to have comprehensive planning, all up and down that corridor. We zone pieces of dirt and this one heck of strange piece of dirt; this is one of the most unusual. I don’t know if I’m doing the right thing, quite frankly; but I’ll see if there are enough votes up here”.

Commissioner Donisi – “I concur with those comments. It’s not perfect. I think the applicant has gone through and really made a tremendous effort to work with the neighborhood folks. What I’m hearing from the neighborhood is somewhat mixed messages, I guess. They do have some valid points. Thankfully there’s a Council and that Council’s going to get this one. So we’re not the final arbiters on this and this will continue at Council and work towards getting better”.

Commissioner Hammond – “I commend both sides or all three sides for handling this in a civil manner; there’s been a lot of give and take”.

Commissioner Whaley – “I’m torn about this; I think that this would be an ideal site for GR-MU-CO. The density does need to go on that strip, we can zone it, but we can’t make them build it. I would like to say that there has been a lot of compromise, there are a lot of things that are good here on the table”.

Commissioner Rabago – “I too am concerned about the school children traffic coming out of the trailer park area, for example. If they use Bluebonnet to walk or ride their bike to school; that’s the same exit that would be used by trucks leaving Walgreen’s. That’s a big concern, but I have confidence that in time the whole demographic area is going to change”.

Motion carried.

**COMMISSION ACTION:  
MOTION:**

**MARTINEZ, DONISI  
APPROVED STAFF'S  
RECOMMENDATION FOR LR-CO  
(TRACT 1); LO-CO (TRACT 2).**

**\*COMMISSION RECOMMENDS  
ROADWAY IMPROVEMENTS, BUT  
TO LEAVE THESE IMPROVEMENTS  
TO THE DISCRETION OF COUNCIL.**

**AYES:**

**PINNELLI, GOHIL, MARTINEZ,  
BAKER, DONISI, HAMMOND,  
WHALEY, RABAGO.**

**LEFT EARLY:**

**JACKSON**

**MOTION CARRIED WITH VOTE: 8-0.**